



SO ORDERED.

SIGNED August 31, 2006.

A handwritten signature in cursive script, reading "Gerald H. Schiff", is written over a horizontal line.

**GERALD H. SCHIFF
UNITED STATES BANKRUPTCY JUDGE**

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA**

IN RE:

GULF STATES PETROLEUM CORP.

CASE NO. 01-51457

Debtor

CHAPTER 7

MEMORANDUM RULING

On June 29, 2001, an involuntary petition was filed against Gulf States Petroleum Corporation ("Debtor"). Ultimately, on June 12, 2002, an order for relief was entered. In due course, the duly appointed and qualified trustee, Elizabeth G. Andrus, filed a Trustee's Report of No Distribution. A final decree was entered on January 9, 2004 and this bankruptcy case was closed on that day.

Subsequently, however, on the motion of Baker Oil Tools, the case was reopened. Baker Oil Tools also moved to appoint a non-

panel trustee. In due course, Richard Johnson ("Trustee"), was appointed as the chapter 7 trustee.

To say the least, significant animosity has existed between Mr. May and the Baker entities and their counsel, mainly emanating from the Trustee's adversary proceeding against Randall May, the former president and sole shareholder of the Debtor.

Presently before the court is the Objection to Proof Claim of Baker Hughes Oilfield Operation, Inc. ("Objection"), filed by Mr. May individually. Baker Hughes has filed a Motion to Strike arguing that Mr. May does not have standing to bring the Objection.

Section 502 of the Bankruptcy Code provides that:

A claim or interest, proof of which is filed under section 501 of this title, is deemed allowed, unless a party in interest, including a creditor or a general partner in a partnership that is a debtor in a case under chapter 7 of this, object.

The term "party in interest" is not defined in either the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, but the "the phrase has generally been interpreted in a Chapter 7 case to refer to creditors of the debtor who have claims against the estate and whose pecuniary interests are directly affected by the bankruptcy proceedings." In re Slack, 164 B.R. 19, 22 (Bankr. N.D. N.Y. 1994). Baker Hughes argues that Randall May does not qualify under any circumstances. The court agrees.

First, Mr. May is not a creditor in this case. He is neither listed in the schedules nor has he filed a claim. Second, Mr. May is not the Debtor. The Debtor is a corporate entity which is now represented by the Trustee, and former officers of the Debtor have no authority to file pleadings on behalf of the Debtor.

Mr. May argues, however, that there is potential recovery in the case sufficient to satisfy all creditors and provide a return to equity. The facts of the case, however, belie any such determination. The claims filed herein total \$1,734,335.08. The Debtor has no scheduled assets and the only asset which the Trustee seems to be pursuing is the claim against Mr. May. Even if the Trustee succeeds and recovers the entire amount he is seeking from Mr. May, and if the Baker Hughes claim is disallowed, there would still only be a 70% distribution to other creditors. There clearly is no possibility of any recovery for Mr. May. Mr. May, therefore holds no pecuniary interest in the proceeding sufficient for him to have standing to object to claims.

Baker Hughes has also requested sanctions be imposed against Mr. May for filing the Objection to Claim for an improper person. The court has reviewed the record and does not believe that the imposition of sanction is appropriate.

For the foregoing reasons, the court finds that Randall May lacks standing to assert the Objection. As such the Motion to

Strike is **GRANTED**. Counsel for Baker Hughes shall submit an order in conformity with the foregoing reasons within 20 days.

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